THE BOMBAY VILLAGE SANITATION ACT, 1889 (BOM. I OF 1889).

G. N., G. D., No. 8847, dated 16th June 1933 (B. G., Pt. I-A, p. 141).

S. 19(5). Bombay Village Sanitation Boards Election Rules, 1932.

In exercise of the powers conferred by clause (5) of section 19 of the Bombay Village Sanitation Act, 1889 (Bom. I of 1889), as amended by Bombay Act No. XXV of 1931, the Government of Bombay is pleased to make the following rules regulating the election of members of Village Sanitary Boards.

1. *Short title.*—These rules may be called the Bombay Village Sanitation Boards Election Rules, 1932.

2. *The word "Mamlatdar" to include "Mahalkari".*—Wherever the word "Mamlatdar" is used in these rules it includes "Mahalkari".

3. *Collector to fix the number of members.*—The Collector shall, as soon as may be after the issue of a notification by the Commissioner under section 7 (2) of the Act, fix, under section 19 (1) of the Act, the total number of members of the Sanitary Board and shall also fix the number of elected members.

4. *Preparation and publication of lists of voters.*—The Mamlatdar, or other person appointed by him in this behalf, shall, as soon as may be after the issue of the notification referred to in rule 3 above, and thereafter whenever a date has been fixed for a general election of persons to fill the places of persons whose term has expired, or whenever the Collector so directs, prepare in the vernacular of the taluka, a list of persons (male and female) qualified to vote at elections of members of the Sanitary Board under section 19 (3) of the Act, and the list so prepared shall be called the voters' list. The list so prepared shall be published at the Chavdi of the village, or such place as the Mamlatdar deems fit, at least two months before the date of the elections.

(*a*) The words "not being less than eighteen years of age" in section 19 (3) of the Act, shall mean all those who have completed eighteen years of age three months before the date of preparation of the voters' list.

(*b*) the word "resident" used in the same section shall mean all those who, before the date on which the voters' list is prepared, have resided in the village for a period of not less than three months.

5. *Revision of list of voters.*—(1) Any person whose name is not entered in the voters' list published as aforesaid and who claims to be entered therein, and any person whose name is entered in the said list who thinks that his own name or that of some other person has been wrongly entered therein, or omitted therefrom, may apply in writing, within a fortnight from the date of publication of the list, to the Mamlatdar for an amendment thereof. An appeal against the decision of the Mamlatdar may be preferred to the Collector within seven days of the date of the Mamlatdar's order.

(2) The voters' list shall be revised in accordance with the decisions of the Mamlatdar and Collector and published by the Mamlatdar in the manner stated in rule 4 above at least fifteen days before the date of the election. The list so published shall be called the electoral roll.

6. *Notice regarding mode of election.*—The Mamlatdar shall state in the notice to be issued under sub-section (4) of section 19 of the Act whether the election shall be by ballot or otherwise.

7. *Election when to be held.*—The election shall be held not less than one month before the date on which the term of office of the members will commence.

8. *Procedure at elections when the election is by show of hands.*—On the appointed day, place and time the Mamlatdar or other person appointed by him in this behalf shall preside at the meeting, and he shall be called the Presiding Officer. The Presiding Officer shall first exclude from the meeting place all persons whose names are not entered on the electoral roll and take steps to prevent their return. When the election is by show of hands, and not by ballot, the following procedure shall be followed by the Presiding Officer :—

(*i*) He shall require candidates seeking election to the Sanitary Board to come forward. He shall then record the names of those candidates who are not ineligible under section 19 (2) of the Act. If any candidate is held ineligible the Presiding Officer should record briefly the reasons therefor.

(*ii*) He shall then explain to the voters the method of election below and the number of persons to be elected.

(*iii*) If there are not more candidates than the number of persons to be elected those who stand and are eligible shall be declared elected.

(*iv*) Otherwise, the names of every one of those who stand and are eligible shall be put to vote separately by show of hands or by separation into " Ayes " and " Noes " groups, or in any other convenient way in such manner that the number of votes received by each of the candidates can be ascertained and recorded. The candidates shall be declared elected in the order of the number of votes secured by them. In the event of there being an equal number of votes in favour of two or more persons who are willing to take office, and the addition of one vote will entitle any of the persons to be elected the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by the Presiding Officer by lot in such manner as he shall deem fit.

9. *Procedure at elections when the election is by ballot.*—When the election is directed by the Collector to be made by ballot the procedure shall be as follows :—

(*i*) No candidate shall be eligible for election unless an application is made by the candidate to the Mamlatdar signifying his willingness to serve on the Board at least ten days before the date fixed for the election.

(*ii*) The Mamlatdar, or other person appointed by him in this behalf, shall endorse on each application, on receipt of it, his decision, accepting or rejecting the same, and if the application is rejected shall record in writing a brief statement of his reasons for such rejection and inform the candidate accordingly. An appeal may be made to the Collector within three days of the order passed by the Mamlatdar or the officer appointed by him.

(*iii*) The Mamlatdar or the other person appointed by him in this behalf shall prepare a list of candidates accepted for election and shall assign to each of them a separate and distinct symbol which shall be posted at the village Chavdi with the list of accepted candidates at least twenty-four hours before the time fixed for the election.

(*iv*) If the number of accepted candidates is equal to the number of seats all such candidates shall be declared by the Mamlatdar to be duly elected. If the number of such candidates exceeds the number of seats a poll shall be taken in the manner hereinafter prescribed.

(*v*) Before the commencement of the Poll the Presiding Officer, who shall be the Mamlatdar, or an officer appointed by him in this behalf, shall allot one box to each of the candidates and shall cause to be fixed to such box the name and symbol of the candidate to whom it is allotted. Such boxes shall be locked and sealed by the Presiding Officer before the commencement of the election in the presence of the candidates. The boxes shall be kept at the meeting place within a screened partition.

(*vi*) The voters shall one by one proceed to the screened partition and just before entering the partition each voter shall be given as many slips of papers as there are members to be elected. The Presiding Officer shall place a mark in a copy of the electoral roll against the name of the voter to denote that he has been given the voting paper. Such slips shall be serially numbered and bearing signature of the Presiding Officer.

(*vii*) After receiving the slips the voter shall enter the screened partition and shall vote by putting the slips into one or more boxes of the candidate or candidates for whom he wishes to vote. He shall not make any mark on the voting paper. He may give all his votes to one candidate or distribute them among the several candidates.

(*viii*) Before the voters proceed to give their votes the method of voting shall be explained to them by the Presiding Officer. The Presiding Officer may give such assistance as may be required to any voter who is under any disability which incapacitates him from voting in the manner prescribed.

(*ix*) Only one voter shall be allowed in the screened partition at a time.

(*x*) After a voter receives the slips and before he leaves the screened partition no person shall be allowed to hold communication with hin.

(*xi*) As soon as the voting is over the Presiding Officer shall exclude all persons other than the candidates and one agent of each candidate from the meeting place. He shall then open one box at a time and count in the presence of such candidates and agents as may be present the votes given to each candidate.

Note.—The agent mentioned above means a person whose name is entered in the electoral roll and who has been declared by the candidate in writing to be his agent for the purpose of the election, such declaration having been delivered to the Presiding Officer before the commencement of the poll.

(*xii*) When the counting of the votes has been completed, the Presiding Officer shall forthwith declare the candidates to whom the largest number of votes is given to be elected in the order of the number of votes secured by them. In the event of there being an equal number of votes in favour of two or more persons who are willing to take office and the addition of one vote will entitle any of the persons to be elected the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by the Presiding Officer by lot in such manner as he shall deem fit.

10. *Declaration of results.*—The Mamlatdar shall cause the name or names of the elected candidate or candidates to be posted at the village Chavdi and shall report the names immediately to the Collector.

11. *Record of proceedings.*—The Presiding Officer shall keep a record of the proceedings.